

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KEITH MAURICE ROBERTS and
ROBYN ROBERTS,

Plaintiffs,

v.

PETER C. HARVEY, Attorney General of:
the State of New Jersey, *et al.*,

Defendants.

Hon. Dennis M. Cavanaugh

OPINION

Civil Action No. 03-cv-5181 (DMC)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon motion for reconsideration of this Court's April 10, 2007 Opinion and Order by Defendants New Jersey Division of State Police, Peter Harvey, Justin J. Dintino, Joseph Fuentes (collectively "Defendants") to dismiss pursuant to Local Civil Rule 7.1(i). Pursuant to Rule 78 of the Federal Rules of Civil Procedure no oral argument was heard. After carefully considering the submissions of the parties, and based upon the following, it is the finding of this Court that Defendants' motion for reconsideration is **denied**.

I. STANDARD OF REVIEW

_____ Motions for reconsideration in this district are governed by Local Civil Rule 7.1(i). See U.S. v. Compaction Sys. Corp., 88 F. Supp. 2d 339, 345 (D.N.J. 1999). A motion pursuant to Local Rule 7.1(i) may be granted only if (1) an intervening change in the controlling law has occurred; (2) evidence not previously available has become available; or (3) it is necessary to correct a clear error of law or prevent manifest injustice. Database Am., Inc. v. Bellsouth Adver. & Pub. Corp., 825 F.

Supp. 1216, 1220 (D.N.J. 1993). Such relief is “an extraordinary remedy” that is to be granted “very sparingly.” See NL Indus. Inc. v. Commercial Union Ins. Co., 935 F. Supp. 513, 516 (D.N.J. 1996).

II. DISCUSSION

Defendants move for reconsideration on the ground that this Court overlooked facts in the record and accordingly, this Court must vacate its decision denying Defendants’ motion to dismiss. As stated in this Court’s April 10, 2007 Opinion, the Third Circuit unequivocally stated that Plaintiffs’ Complaint satisfies the Rule 12(b)(6) standard. In light of the Third Circuit’s conclusion that Plaintiffs’ Complaint is sufficient to withstand a Rule 12(b)(6) motion to dismiss, this Court, being bound by the Circuit’s ruling, must deny Defendants’ motion to dismiss.

III. CONCLUSION

For the reasons stated, it is the finding of this Court that Defendants’ motion for reconsideration is **denied**. An appropriate Order accompanies this Opinion.

S/ Dennis M. Cavanaugh
Dennis M. Cavanaugh, U.S.D.J.

Date: June 28, 2007
Orig.: Clerk
cc: Counsel of Record
The Honorable Mark Falk, U.S.M.J.
File